

No. 09-35863

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JOHN DOE #1, an individual, JOHN DOE #2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs-Appellees,

v.

SAM REED, in his official capacity as Secretary of State of Washington,
BRENDA GALARZA, in her official capacity as Public Records Officer for the
Secretary of State of Washington,

Defendants,

and

WASHINGTON COALITION FOR OPEN GOVERNMENT,

Intervenors,

and

WASHINGTON FAMILIES STANDING TOGETHER

Intervenor-Appellant.

On Appeal from the United States District Court for the Western
District of Washington, No. C09-5456 BHS
The Honorable Benjamin J. Settle, U.S. District Court Judge

MOTION TO CONSOLIDATE

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Appellant Washington Families Standing Together is a non-profit political organization under section 501(c)(4) of the Internal Revenue Code. Washington Families Standing Together does not issue stock, and no parent corporation or any publicly traded corporation owns 10% or more of its stock.

DATED: October 5, 2009

PERKINS COIE LLP

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In this appeal, Appellant Washington Families Standing Together ("WAFST") challenges the same Order Granting Plaintiffs' Motion for Preliminary Injunction entered on September 10, 2009, that is at issue in Ninth Circuit appeal Nos. 09-35818 and 09-35826. On September 22, 2009, the court *sua sponte* consolidated those two other appeals. Those appeals have been fully briefed and are set for oral argument on October 14, 2009. WAFST submits that it is appropriate for this appeal to be consolidated with these two other appeals.

WAFST supports the appellate arguments set forth in the briefs already filed by the Appellants to the two other appeals. Given the amount of briefing that has already taken place (totaling approximately 175 pages) and the court's expediting of the consideration of the issues on appeal, WAFST is willing to forego doing additional briefing in support of its appeal upon consolidation. Moreover, WAFST is willing to cede any oral argument time to the attorneys for the Appellants to the other two appeals.

WAFST has conferred with counsel for the parties to appeal Nos. 09-35818 and 09-35826, and they consent to this requested consolidation without additional briefing in advance of the court's hearing on October 14, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on October 5, 2009.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF System.

DATED: October 5, 2009

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